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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,634	06/19/2006	Norbert Cottone	72274	8594
23872 7590 10/28/2008 MCGLEW & TUTTLE, PC P.O. BOX 9227 SCARBOROUGH STATION SCARBOROUGH, NY 10510-9227				
EXAMINER PARADISO, JOHN ROGER				
ART UNIT		PAPER NUMBER		
3721				
MAIL DATE		DELIVERY MODE		
10/28/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/596,634

Applicant(s)

COTTONE, NORBERT

Examiner

John Paradiso

Art Unit

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5,7,8,11,12,15,16,19,21-23,25-42,44-46,48,50,53-55,59 and 60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5,7,8,11,12,15,16,19,21-23,25-42,44-46,48,50,53-55,59 and 60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1, 5, 7-8, 11-12, 15-16, 19, 21-23, 25-42, 44-46, 48, 50, 53-55, and 59-60 are rejected under 35 U.S.C. § 103(a) as being unpatentable over FADAIE (US 5328319), as set forth in paragraph 3 of the previous Office Action and reprinted below for convenience:

FADAIE discloses a method and apparatus for handling objects (32) in which at least part of a load is gripped (see Fig. 3A and 4A), moved, and loaded. The objects gripped are being read as the claimed "modified arrangement".

FADAIE does not specifically disclose the objects as being rod-shaped.

However, the objects disclosed in FADAIE are cylindrical, and further, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the method and apparatus of FADAIE to handle any shape of object to provide a wider choice of articles for the end-user.

Regarding claims 2 and 23, the gripper (50) can be clearly shown changing its geometry during use (see Fig. 5A and 5B).

Regarding claim 5, the gripper (50) can be clearly shown changing its spacing as it moves during use (see Fig. 5A and 5B).

Regarding claim 8, the final density shown in FADAIE is being read on the claimed "sought packing density".

Regarding claim 11, Fig. 4B clearly shows the objects being picked and loaded as a block.

Regarding claim 15, it would have been obvious to one of ordinary skill in the art at the time the invention was made to remove the items row-wise or in any other manner that makes it easy and efficient for the operator.

Regarding claims 16, 42, and 46, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a second gripping device for further moving of the objects, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art.

Regarding claim claims 21-22, it would have been obvious to one of ordinary skill in the art at the time the invention was made to position the loading aid at any angle that is most efficacious for loading, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art.

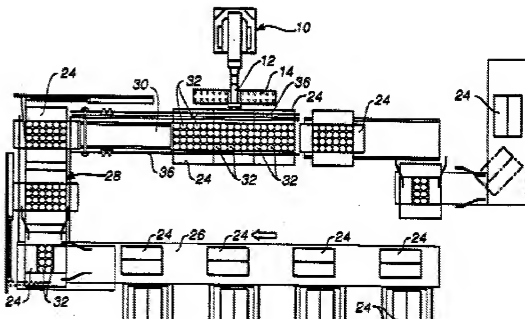
Regarding claim 60, FADAIE discloses a robot (10) handling arm.

Response to Arguments

3. Applicant's arguments filed 7/7/2008 have been fully considered but they are not persuasive.

4. Applicant states on page 13 of his Response that "At most, Fadaie disclose an article engaging means 14 that engages stacks of cups 32 and transfers them to containers. However, the article engaging means 14 of Fadaie does not modify the geometric arrangement of the stacks of cups 32 as claimed. This is clearly shown in Figures 2a and 4a of Fadaie, which show that the geometrical of the stacks of cups 32 remain the same.

However, Fig. 1 of FADAIE shows the stacks being changed in length, moved closer together, and rotated, interchanging their length and width, which is being read as modifying the geometric arrangement.



5. Applicant states on page 13 of his Response that "Compared with Fidaie, the gripping device of the present invention grips the objects in a first geometrical arrangement and moves the objects such that the objects are in a modified arrangement. This advantageously provides a more space efficient arrangement of the objects since the packaging density of the objects is significantly increased. Fadaie fails to disclose such packaging density advantages since Fadaie only discloses transferring stacks of cups 32 ...".

However, in transferring the stacks from wider geometries to a geometry with less space between the loads, as shown in Fig. 1 on the previous page, the density does indeed change.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Paradiso. The examiner can normally be reached Monday-Friday, 9:30 p.m. – 6:00 p.m. (ET).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada, can be reached at the number listed below.

Any inquiry of a general nature or relating to the status of this application should be directed to the 3700 Technology Center Receptionist.

/John R Paradiso/

Examiner John Paradiso: (571) 272-4466

October 23, 2008

/Rinaldi I Rada/

Supervisory Patent Examiner, Art Unit 3721

Additional Phone Numbers:

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